

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRIENDS OF THE FLORIDAS; NEW
MEXICO WILDERNESS ALLIANCE;
WILDEARTH GUARDIANS; GILA
RESOURCES INFORMATION PROJECT and
AMIGOS BRAVOS,

Plaintiffs,

vs.

No. CIV 20-0924 JB/GBW

UNITED STATES BUREAU OF LAND
MANAGEMENT; WILLIAM CHILDRESS,
in his official capacity as District Manager of the
BLM Las Cruces District Office, and DAVID
WALLACE, in his official capacity as Assistant
District Manager of the BLM Las Cruces District
Office,

Defendants.

AMERICAN MAGNESIUM, LLC

Defendant-Intervenor.

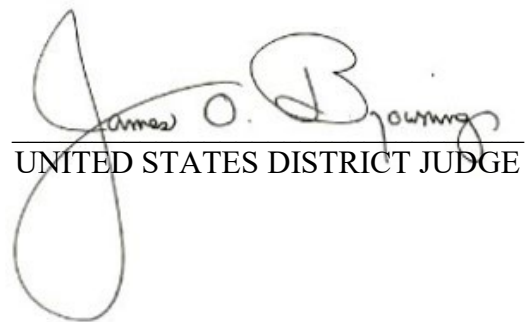
ORDER¹

THIS MATTER comes before the Court on the Plaintiffs’ Motion to Compel Production of a Complete Administrative Record, filed December 8, 2021 (Doc. 26)(“Motion to Compel”). The Court held a hearing on July 6, 2022. See Clerk’s Minutes at 1, filed July 6, 2022 (Doc. 40). The primary issue is whether the Defendants must produce as part of the administrative record certain documents they have demarcated as deliberative. For the reasons stated on the record at the hearing, the Court orders as follows: (i) the Defendants will create a log of withheld documents along the lines specified in the hearing which will resemble a privilege log used to track

¹This Order disposes of the Plaintiffs’ Motion to Compel Production of a Complete Administrative Record, filed December 8, 2021 (Doc. 26). The Court will issue a Memorandum Opinion at a later date more fully detailing its rationale for the decision.

attorney-client privileged documents; (ii) the Parties will work together to make the log as correct and robust as possible; (iii) the parties will meet and confer to reduce the disputes as much as possible; (iv) if disputes remains for the Court's resolution, the Parties will submit the disputed documents to the Court for review; and (v) the Court will then issue an opinion on the production required of defendants once the Court concludes the in camera review. See Draft Transcript of Hearing at 4:21-5:16 (taken July 6, 2022)(Court); id. at 39:21-40:8(Court); ²

IT IS ORDERED that: (i) the Plaintiffs' Motion to Compel Production of a Complete Administrative Record, filed December 8, 2021 (Doc. 26), is granted in part and denied in part; (ii) the Defendant will create a log of withheld documents that is as accurate, complete and robust as possible; (iii) the Plaintiffs and Defendants will work to resolve any disputes; (iv) should the parties be unable to resolve their disputes over certain documents, those documents will be submitted to the Court for in camera review; and (v) the Court will issue an opinion and order more precisely outlining the production required of the Defendants.



UNITED STATES DISTRICT JUDGE

Counsel:

Roger Flynn,
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²The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

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